

ESTTA Tracking number: **ESTTA139182**

Filing date: **05/07/2007**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Verkkostadi Technologies, Inc.
Granted to Date of previous extension	05/05/2007
Address	1405 Transcanada Hwy, Suite 244 Dorval, PQ H9V2P9 CANADA

Attorney information	Lawrence D. Graham Black Lowe & Graham PLLC 701 Fifth Avenue, Suite 4800 Seattle, WA 98104 UNITED STATES graham@blacklaw.com,rspeer@blacklaw.com,litdocketing@blacklaw.com, grady@blacklaw.com, amach@blacklaw.com, sgist@blacklaw.com Phone:(206) 381-3300
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Applicant Information

Application No	78586129	Publication date	03/06/2007
Opposition Filing Date	05/07/2007	Opposition Period Ends	05/05/2007
Applicant	C.K.P., Inc. Suite 110 4050 Innslake Drive Glen Allen, VA 23060 UNITED STATES		

Goods/Services Affected by Opposition

Class 041. First Use: 1999/12/00 First Use In Commerce: 1999/12/00 All goods and services in the class are opposed, namely: Entertainment services, namely, conducting parties for the purpose of dating and social introduction for adults
Class 045. First Use: 1998/02/00 First Use In Commerce: 1998/02/00 All goods and services in the class are opposed, namely: dating and matchmaking services; providing dating and matchmaking services via an online website; provision of dating agency services via the Internet; providing social introduction services; providing information and advisory services in the fields of dating, matchmaking and social introduction

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Application	77078427	Application Date	01/08/2007
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No.			
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	IT TAKES 2		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2006/10/01 First Use In Commerce: 2006/10/01 computer software used to create an environment and virtual meeting place comprised of pictures, sounds and text in which electronic messaging can be exchanged through a global computer network		

U.S. Application No.	77078420	Application Date	01/08/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	IT TAKES 2		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2003/12/01 First Use In Commerce: 2003/12/01 providing a website featuring personal classified advertisements of others accessed via interconnected global computer networks and local area telecommunication systems		

U.S. Application No.	77078409	Application Date	01/08/2007
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	IT TAKES 2		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 2006/01/31 First Use In Commerce: 2006/01/31 telecommunications services, namely telephone communications services, telephone voice messaging services and interactive voice response services, namely, the prompting, recording, storage and transmission of voice messages by telephone or electronically; electronic transmission of messages and data for others in the nature of personal advertisements via an interactive electronic telecommunications network linked with an interactive on-line global computer network		

Attachments	77078427#TMSN.jpeg (1 page)(bytes) 77078420#TMSN.jpeg (1 page)(bytes) 77078409#TMSN.jpeg (1 page)(bytes) VERK-6-1002P02OPP.pdf (6 pages)(91074 bytes)
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Signature	/Lawrence D. Graham/
Name	Lawrence D. Graham
Date	05/07/2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

VERKKOSTADI TECHNOLOGIES, INC.

Opposer,

v.

C.K.P., INC.

Applicant.

Serial No. 78/586,129

Filed: March 13, 2005

Published: March 6, 2007

Mark: IT TAKES 2

NOTICE OF OPPOSITION

Commissioner of Trademarks
2900 Crystal Drive
Arlington, Virginia 22202

Verkkostadi Technologies, Inc., (“VTI” or “Opposer”), a Canadian corporation located at 1405 Transcanada Hwy, Suite 244, Dorval, PQ H9V2P9, and doing business across the United States believes that it will be damaged by registration by CKP, Inc. (“CKP” or “Applicant”) of the mark IT TAKES 2 as shown in Application Serial No. 78/586,129 (“Applicant’s Mark”). VTI therefore opposes the registration.

As grounds for the opposition, Opposer alleges:

1. CKP, Inc. filed a trademark application assigned Application Serial No. 78/586,129 in the United States Patent and Trademark Office on March 13, 2005 (“the Application”) to register the mark IT TAKES 2 for use in connection with “entertainment services, namely, conducting parties for the purpose of dating and social introduction for adults” in International Class 41 and for “dating and matchmaking services; providing dating and matchmaking services via an online website; provision of dating agency services via the

Internet; providing social introduction services; providing information and advisory services in the fields of dating, matchmaking and social introduction” in International Class 45 (“CKP’s Services” or the “Applicant’s Services”).

2. The Application filed by CKP on March 13, 2005 (“the Application Filing Date”) was based on CKP’s alleged use of the Mark with the Applicant’s Services on or before December 1, 1999 (for International Class 41) and for February 1, 1998 (for International Class 45) (“CKP’s Alleged First Use Date” or “Applicant’s Alleged First Use Date”).
3. The Application for the Mark was published for opposition in the *Official Gazette* on March 6, 2007. On April 3, 2007, the Opposer timely filed a request for a 30-day extension of time to oppose the Application for Applicant’s Mark, which was granted until May 5, 2007.
4. The Opposer is a well-known provider of services, such as personal classified advertisements generally used to facilitate dating and matchmaking (collectively “Opposer’s Services”). The Opposer provides information about its services on-line, including sites that are sponsored by Opposer, for example, <http://ittakes2.com/> (“the Opposer’s Website”).
5. The Opposer is the owner of three pending trademark Applications for the same Mark:
 - a. Application Serial No. 77/078,427 for the mark IT TAKES 2 filed in the PTO on January 8, 2007 based on a first use in commerce on October 1, 2006. Opposer filed the mark in connection with “computer software used to create an environment and virtual meeting place comprised of pictures, sounds and

text in which electronic messaging can be exchanged through a global computer network” in International Class 009;

- b. Application Serial No. 77/078,420 for the mark IT TAKES 2 filed in the PTO on January 8, 2007 based on a first use in commerce on December 1, 2003. Opposer filed the mark in connection with “providing a website featuring personal classified advertisements of others accessed via interconnected global computer networks and local area telecommunication systems” in International Class 035;
- c. Application Serial No. 77/078,409 for the mark IT TAKES 2 filed in the PTO on January 8, 2007 based on a first use in commerce on January 31, 2006. Opposer filed the mark in connection with “telecommunications services, namely telephone communications services, telephone voice messaging services and interactive voice response services, namely, the prompting, recording, storage and transmission of voice messages by telephone or electronically; electronic transmission of messages and data for others in the nature of personal advertisements via an interactive electronic telecommunications network linked with an interactive on-line global computer network” in International Class 038.

- 6. The Opposer has used the Opposer’s Mark in association with the Opposer’s Services in commerce across the United States since at least as early as December 1, 2003 and the Opposer’s Mark is currently in use in commerce with Opposer’s Services.
- 7. Applicant’s Mark IT TAKES 2 is identical to the Opposer’s Mark IT TAKES 2. The Applicant’s IT TAKES 2 Mark is confusingly similar in sound, meaning, and appearance to the Opposer’s IT TAKES 2 Mark. The Applicant’s registration and use of the IT

TAKES 2 Mark would likely create confusion, mistake, or deception in the minds of prospective purchasers as to the origin or source of the Opposer's Services associated with the IT TAKES 2 Mark.

8. The Applicant's Services are closely related to the Opposer's Services. The Opposer's Services are advertised and sold on-line. The Applicant's Services include providing dating services and are similar to the services provided by the Opposer.
9. There are no restrictions in the Application that limit the channels of trade. Moreover, the Opposer's Services and the Applicant's Services are provided in the same channels of trade and are used by the same customers including those who are seeking services related to dating services. Applicant's Services are therefore substantially similar to the Opposer's Services with which the Mark is used.
10. Purchasers familiar with the Opposer's Services are likely to mistakenly believe that the Applicant's Services are sponsored by, authorized, endorsed, affiliated with or otherwise approved by the Opposer because the IT TAKES 2 Mark sought to be registered and used by the Applicant is identical to or confusingly similar to the Opposer's IT TAKES 2 Mark.
11. On information and belief, the Applicant's Services were only being used in a small geographic portion of the state of Virginia as of December 1, 2003, the date of Opposer's first nationwide use of the Mark.
12. On information and belief, the Applicant's Services have only been used in a small geographic portion of the state of Virginia. By contrast, Opposer's Services have been

used across the entire United States. Accordingly, if any registration is appropriate at all then Applicant is only entitled to registration covering the small geographic portion of the state of Virginia.

13. On information and belief, at the time Applicant filed the Application, Applicant did not have actual use of Applicant's Mark as a trademark with each of Applicant's Services.
14. On information and belief, Applicant's Application should not be granted because it was not filed based on Applicant's actual use of Applicant's Mark as a trademark with each and everyone of Applicant's Services, and on information and belief, Applicant failed to satisfy the requirements of Trademark Act Section 1(a) and related Trademark Rules and Regulations.
15. For the foregoing reasons, the registration sought by Applicant is contrary to the provisions of Section 2 of the Lanham Act, and Opposer believes that it would be damaged thereby.

WHEREFORE, Opposer respectfully requests that registration of the mark shown in Application Serial No. 78/586,129 be refused and that this Opposition be sustained in favor of Opposer.

In the alternative, Opposer seeks a concurrent use registration for its pending applications listed above and CKP's Application, with CKP's registration being limited to Virginia and Opposer being granted registration for the remainder of the U.S.

RESPECTFULLY SUBMITTED: May 5, 2007.

BLACK LOWE & GRAHAM^{PLLC}

s/ Lawrence D. Graham
Lawrence D. Graham, WSBA No. 25,402
email: graham@blacklaw.com
BLACK LOWE & GRAHAM^{PLLC}
701 Fifth Avenue, Suite 4800
Seattle, WA 98104
P: 206.381.3300
F: 206.381.3301

Attorney for Opposer Verkkostadi
Technologies, Inc.